

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SOMCHAI SUWANPHANU,

Plaintiff,

– against –

MOUNT SINAI HEALTH SYSTEM,
INC., *doing business as St. Luke's –
Roosevelt Hospital Center*, and THE ST.
LUKE'S-ROOSEVELT HOSPITAL
CENTER,

Defendants.

ORDER

16 Civ. 2896 (ER)

RAMOS, D.J.:

On November 15, 2019, the Court issued summary judgment in this case, dismissing Counts I (unpaid overtime under FLSA), III (retaliation under FLSA), and IV (retaliation under NYLL) in their entirety, and dismissing Count II to the extent that Suwanphanu sought overtime pay under the NYLL. Doc. 66 at 15. All that remains for trial is the allegations of failure to pay for normal hours worked under the NYLL. *Id.* On April 24, 2020, the parties indicated they had reached a settlement and would file a dismissal by May 8, 2020. Doc. 72. When they did not, the Court directed them to file an update by August 8. Having received no update from the parties, it is ORDERED that the above-entitled action be and hereby is discontinued, without costs to either party, subject to reopening should the settlement not be consummated within thirty (30) days of the date hereof.

Any application to reopen must be filed within thirty (30) days of this Order; any application to reopen filed thereafter may be denied solely on that basis. Further, the parties are advised that if they wish the Court to retain jurisdiction in this matter for purposes of enforcing any settlement agreement, they must submit the settlement

agreement to the Court within the next thirty (30) days with a request that the agreement be “so ordered” by the Court.

It is SO ORDERED.

Dated: August 10, 2020
New York, New York

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is written above a horizontal line.

EDGARDO RAMOS, U.S.D.J.